

HOEY, KING, TOKER & EPSTEIN

55 Water Street • 29th Floor
New York, New York 10041
(212) 612-4200
FAX (212) 612-4284

PATRICK T. HOEY
HAROLD KENNETH KING, JR.
LEONARD TOKER
RHONDA L. EPSTEIN
RICHARD C. PREZIOSO
DAVID S. KASDAN
CHRISTINE M. ARCIOLD
DAVID P. FEEHAN

Not a Partnership or Professional Corporation

ANGELA P. PENSABENE
JEFFREY D. GREENBERG
PAUL A. TUMBLESON
EDGAR MATOS
REGINE DELY-LAZARD
DANIELLE M. DANDRIGE
LAUREN S. YANG
RICHARD J. FREIRE
MAUREEN E. PEKNIC

GREGORY WALTHALL
GLEN H. PARKER

December 22, 2009

VIA ECF
EASTERN DISTRICT OF NEW YORK
UNITED STATES DISTRICT COURT
Magistrate Lois Bloom
225 Cadman Plaza East
Brooklyn, New York 11201

Re: DI CHIARA v. Keefe Commissary Network (Closed)

Date of Loss: 04/01/2007

Index Number: CV 07 2245

Dear Magistrate Bloom:

Please allow this correspondence to serve as a reply to plaintiff's recent filing, #40, concerning the settlement check of \$1,000. After a delay in receiving the check from my client's insurance carrier, it was mailed via U.S. Postal Express Mail to Mr. Di Chiara under tracking #EH413125169US. Below I have attached the "track and confirm" page from the US Post office website which shows it was delivered and signed for.

Mr. Di Chiara received the check on December 19, 2009 at 3:15 PM. He signed for the package himself.



Track & Confirm

Search Results

Label/Receipt Number: EH41 3125 169U S
Class: Express Mail®
Status: Delivered

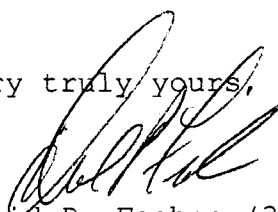
Your item was delivered at 3:15 PM on December 19, 2009 in JACKSON HEIGHTS, NY 11372. The item was signed for by D FRANK.

The Court appreciates defendant's counsel's letter which clarifies that plaintiff has now received the settlement check. This CASE IS CLOSED.

Signed: *[Signature]*
12/23/09
Lois Bloom
U.S. District Court

This should completely resolve the entire case.

Very truly yours,


David P. Feehan (3851)

Frank Di Chiara
85-11 34th Ave., Apt.# 6N
Jackson Heights, NY 11372